

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dexter D. Anderson,

Civil No. 11-1486 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

United States of America; B.R. Jett, Warden;
S. Young, Associate Warden; C. Nickrenz,
Associate Warden; M. Nelson, Clinical
Director-Dr.; L. Krieg, Doctor; J. Schultz,
CDR-Rehab Services; and J. Fedra,
DPT-OCS-Rehab Services,

Defendants.

This matter is before the Court on Plaintiff Dexter D. Anderson's ("Plaintiff") objections (Doc. No. 82) to Magistrate Judge Leo I. Brisbois's January 25, 2013 Report and Recommendation (Doc. No. 78) insofar as it recommends that: (1) Defendants' Motion to Dismiss or, in the Alternative for Summary Judgment, be granted; and (2) this action be dismissed with prejudice. Defendants filed a response to Plaintiff's objections on March 11, 2013. (Doc. No. 84.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff objects to the recommendation that his claims against the individual defendants for the alleged violation of Plaintiff's constitutional rights, and Plaintiff's claim against the United States under the FTCA to recover for injuries allegedly caused by the negligence of the individual defendants, be dismissed. Plaintiff's claims stem from medical treatment received after he incurred a knee injury playing football while serving his sentence at the Federal Correctional Institution in Pekin, Illinois. The Magistrate Judge concluded that none of Plaintiff's claims should survive summary judgment. Plaintiff objects to this conclusion and maintains that he was injured as a result of the medical treatment he received, and that he was retaliated against by Defendants. The Court disagrees and, having carefully reviewed the record, concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Dexter D. Anderson's objections (Doc. No. [82]) to Magistrate Judge Leo I. Brisbois's January 25, 2013 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's January 25, 2013 Report and Recommendation (Doc. No. [78]) is **ADOPTED**.

3. Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment (Doc. No. [40]) is **GRANTED**.

4. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 20, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge